



IPh

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on January 30, 2006.


Lisa D. Bronk

Applicant : Gregory H. Bearman, et al. Confirmation No. 1886
Application No. : 10/817,297
Filed : April 2, 2004
Title : SYSTEM AND METHOD FOR MONITORING CELLULAR ACTIVITY
Grp./Div. : 1654
Examiner : Louise N. Leary
Docket No. : 52316/C766

INFORMATION DISCLOSURE STATEMENT OR A CONTINUING
NON-CPA APPLICATION WITH FEE UNDER 37 CFR §§ 1.97(c) AND 1.17(p).

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
January 30, 2006

Commissioner:

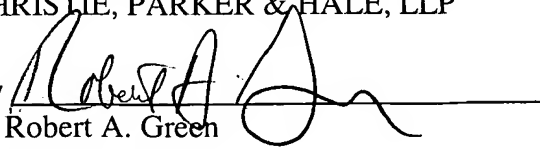
In compliance with the duty of disclosure under 37 CFR §§ 1.56, 1.97 and 1.98, enclosed is FORM PTO/SB/08A/B. The references listed thereon are not enclosed because they were of record in the parent application, Application No. 10/159,703, filed May 28, 2002.

It is respectfully requested that these references be considered in the examination of this application, and identified in the list of references cited on the patent issuing on this application.

Enclosed is the processing fee of \$180.00 as required by 37 CFR § 1.17(p). The Commissioner is hereby authorized to charge any fees which may be required by this paper to Deposit Account No. 03-1728. Please show our docket number with any Deposit Account transaction. **A copy of this paper is enclosed.**

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 
Robert A. Green
Reg. No. 28,301
626/795-9900

02/06/2006 HGUTEMAI 00000005 10817297

01 FC:1806

180.00 DP

RAG/ldb

LDB PAS663238.1-* -01/30/06 2:37 PM

FORM PTO/SB/08A/B (10-01)
Substitute for PTO-1449A/B

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Attorney Docket Number

52316/C766

Application Number

10/817,297

Filing Date

April 2, 2004

Applicant(s)

Gregory H. Bearman, et al.

Group Art Unit

1654

Examiner Name

Louise N. Leary

U.S. PATENT DOCUMENTS

| EXAMINER INITIALS | Cite No. ¹ | DOCUMENT NUMBER Number - Kind Code ² (If Known) | PUBLICATION DATE MM-DD-YYYY | NAME OF PATENTEE |
|----------------------|--------------------------|---|--------------------------------|--------------------|
| | | 4,844,617 | 07-04-1989 | Kelderman, et al. |
| | | 4,852,955 | 08-01-1989 | Doyle, et al. |
| | | 4,905,169 | 02-27-1990 | Buican, et al. |
| | | 5,011,243 | 04-30-1991 | Doyle, et al. |
| | | 5,034,613 | 07-23-1991 | Denk, et al. |
| | | 5,091,652 | 02-25-1992 | Mathies, et al. |
| | | 5,117,466 | 05-26-1992 | Buican, et al. |
| | | 5,192,980 | 03-09-1993 | Dixon, et al. |
| | | 5,239,409 | 08-24-1993 | Doyle, et al. |
| | | 5,329,352 | 07-12-1994 | Jacobsen |
| | | 5,377,003 | 12-27-1994 | Lewis, et al. |
| | | 5,418,371 | 05-23-1995 | Aslund, et al. |
| | | 5,504,336 | 04-02-1996 | Noguchi |
| | | 5,510,894 | 04-23-1996 | Batchelder, et al. |
| | | 5,532,873 | 07-02-1996 | Dixon |
| | | 5,539,517 | 07-23-1996 | Cabib, et al. |
| | | 5,583,342 | 12-10-1996 | Ichie |
| | | 5,612,818 | 03-18-1997 | Kumagai, et al. |
| | | 5,658,423 | 08-19-1997 | Angell, et al. |
| | | 5,674,743 | 10-07-1997 | Ulmer |
| | | 5,713,364 | 02-03-1998 | DeBaryshe, et al. |
| | | 5,719,391 | 02-17-1998 | Kain |
| | | 5,732,150 | 03-24-1998 | Zhou, et al. |
| | | 5,751,417 | 05-12-1998 | Uhl |

**EXAMINER
SIGNATURE**

**DATE
CONSIDERED**

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.pto.gov or MPEP 901.4. ³Enter Office that issued the document, by the two-letter code (WIPO standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English Language Translation is attached.

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Attorney Docket Number

52316/C766

Application Number

10/817,297

Filing Date

April 2, 2004

Applicant(s)

Gregory H. Bearman, et al.

Group Art Unit

1654

Examiner Name

Louise N. Leary

U.S. PATENT DOCUMENTS

| EXAMINER INITIALS | Cite No. ¹ | <u>DOCUMENT NUMBER</u> Number - Kind Code ² (If Known) | <u>PUBLICATION DATE</u> MM-DD-YYYY | NAME OF PATENTEE |
|----------------------|--------------------------|--|---------------------------------------|------------------|
| | | 5,754,296 | 05-19-1998 | Law |
| | | 5,777,732 | 07-07-1998 | Hanninen, et al. |
| | | 5,784,162 | 07-21-1998 | Cabib, et al. |
| | | 5,785,651 | 07-28-1998 | Kuhn, et al. |
| | | 5,796,112 | 08-18-1998 | Ichie |
| | | 5,804,813 | 09-08-1998 | Wang, et al. |
| | | 5,813,987 | 09-29-1998 | Modell, et al. |
| | | 5,814,820 | 09-29-1998 | Dong, et al. |
| | | 5,815,262 | 09-29-1998 | Schrof, et al. |
| | | 5,822,061 | 10-13-1998 | Delhay, et al. |
| | | 5,864,139 | 01-26-1999 | Reffner, et al. |
| | | 5,891,738 | 04-06-1999 | Soini, et al. |
| | | 6,077,665 | 06-20-2000 | Weirich, et al. |
| | | 6,403,332B1 | 06-11-2002 | Bearman, et al. |

FOREIGN PATENT DOCUMENTS

| EXAMINER INITIALS | Cite No. ¹ | <u>Foreign Patent Document</u> Country Code ³ - Number ⁴ - Kind Code ⁵ (If Known) | <u>Publication Date</u> MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | T ⁶ (✓) |
|----------------------|--------------------------|--|---------------------------------------|--|-----------------------|
| | | WO96/22521 | 07-25-1996 | Soini Erkki | |
| | | EP0916981 | 07-29-1999 | Max Planck Gesellschaft | |
| | | WO99/37999 | 07-29-1999 | Wisconsin Alumni Research Foundation | |
| | | WO01/09592 | 02-08-2001 | California Institute of Technology | |
| | | | | | |

EXAMINER
SIGNATURE

DATE
CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.pto.gov or MPEP 901.4. ³Enter Office that issued the document, by the two-letter code (WIPO standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English Language Translation is attached.

| | | |
|---|-------------------------------|----------------------------|
| FORM PTO/SB/08A/B (10-01) Substitute for PTO-1449A/B INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | Attorney Docket Number | 52316/C766 |
| | Application Number | 10/817,297 |
| | Filing Date | April 2, 2004 |
| | Applicant(s) | Gregory H. Bearman, et al. |
| | Group Art Unit | 1654 |
| | Examiner Name | Louise N. Leary |

| OTHER DOCUMENTS | | |
|-------------------|-----------------------|---|
| EXAMINER INITIALS | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article, title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. |
| | | BACALLAO, Robert, et al., "Guiding Principles of Specimen Preservation for Confocal Fluorescence Microscopy", Handbook of Biological Confocal Microscopy, Chapter 18, pp. 197-205, Plenum Press, United States of America |
| | | BACALLAO, Robert, et al., "Three-Dimensional Confocal Microscopy: Volume Investigation of Biological Specimens", 3D Volume Reconstruction, 1994, pp. 172-174, Academic Press |
| | | BOARDMAN, Joe W., "Inversion of Imaging Spectrometry Data Using Singular Value Decomposition", IGARSS '89 12th Canadian Symposium on Remote Sensing, Remote Sensing: An Economic Tool for the Nineties, July 1989, pp. 2069-2072, Vol. 4, IEEE, Canada |
| | | BOARDMAN, Joseph W., et al., "Automated Spectral Analysis: A Geological Example Using Aviris Data, North Grapevine Mountains, Nevada", Presented at the Tenth Thematic Conference on Geologic Remote Sensing, May 1994, I-407 - I-418, United States of America |
| | | BOCK, G., et al., "Photometric Analysis of Antifading Reagents for Immunofluorescence with Laser and Conventional Illumination Sources", The Journal of Histochemistry and Cytochemistry, 1985, pp. 699-705, Vol. 33, No. 7, The Histochemical Society, Inc., United States of America |
| | | CASTLEMAN, Kenneth R., "Color compensation for digitized FISH Images", Bioimaging 1, 1993, pp. 159-165, IOP Publishing Ltd., United Kingdom |
| | | CHEN, Raymond F., et al., "Atlas of Fluorescence Spectra and Lifetimes of Dyes Attached to Protein", Analytical Letters, 1985, pp. 393-421, (18A4), Marcel Dekker, Inc. |
| | | FAUST, Jessica A., et al., "Development of a Compact Imaging Spectrometer Using Liquid Crystal Tunable Filter Technology", IS&T/OSA Optics & Imaging in the Information Age, October 20-24, 1996, pp. 429-432, IS&T- The Society for Imaging Science and Technology, United States of America |
| | | FLORIJN, R.J., et al., "Analysis of Antifading Reagents for Fluorescence Microscopy", Cytometry, 1995, pp. 177-182, Vol. 19, Wiley-Liss, Inc. |
| | | GREEN, Andrew A., et al., "A Transformation for Ordering Multispectral Data in Terms of Image Quality with Implications for Noise Removal", IEEE Transactions on Geoscience and Remote Sensing, January 1988, pp. 65-74, Vol. 26 No. 1, IEEE |
| | | GREEN, Robert O., et al., "Imaging Spectroscopy and the Airborne Visible/Infrared Imaging Spectrometer (AVIRIS)", Remote Sens. Environ., July 1998, pp. 227-248, Vol. 65, Elsevier Science Inc., United States of America |

| | |
|---|-----------------|
| EXAMINER SIGNATURE | DATE CONSIDERED |
| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.pto.gov or MPEP 901.4. ³ Enter Office that issued the document, by the two-letter code (WIPO standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached. | |

| | | |
|---|-------------------------------|----------------------------|
| FORM PTO/SB/08A/B (10-01) Substitute for PTO-1449A/B INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | Attorney Docket Number | 52316/C766 |
| | Application Number | 10/817,297 |
| | Filing Date | April 2, 2004 |
| | Applicant(s) | Gregory H. Bearman, et al. |
| | Group Art Unit | 1654 |
| | Examiner Name | Louise N. Leary |

| OTHER DOCUMENTS | | |
|-------------------|-----------------------|---|
| EXAMINER INITIALS | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article, title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. |
| | | HEIM, Roger, et al, "Engineering Green Fluorescent Protein for Improved Brightness, Longer Wavelengths and Fluorescence Resonance Energy Transfer", Current Biology, 1996, pp. 178-182, Vol. 6, No.2, Current Biology Ltd, United States of America |
| | | JOHNSON, G.D., et al., "A Simple Method of Reducing the Fading of Immunofluorescence during Microscopy, Journal of Immunological Methods, 1981, pp. 349-350, Vol. 43, Elsevier/North-Holland Biomedical Press |
| | | JOHNSON, G.D., et al., "Fading of Immunofluorescence during Microscopy: a Study of the Phenomenon and its Remedy", Journal of Immunological Methods, 1982, pp. 231-242, Vol. 55, Elsevier Biomedical Press |
| | | KAUFMAN, Arie., "Volume Visualization", 1991, IEEE Computer Society Press, pp. 1-18, United States of America |
| | | KINSELLA, Todd M., et al., "Episomal Vectors Rapidly and Stably Produce High-Titer Recombinant Retrovirus", Human Gene Therapy, August 1996, pp. 1405-1413, Vol. 7, Mary Ann Liebert, Inc. |
| | | KRENİK, Karen D., et al., "Comparison of antifading agents used in immunofluorescence", Journal of Immunological Methods, 1989, pp. 91-97, Vol. 117, Elsevier |
| | | LEICA, "Leica TCS MP Two Photo Imaging System", Confocal Spectrum, 1998, pgs. 6, Leica Microsystems Heidelberg GmbH |
| | | LONGIN, Arlette, et al., "Comparison of Antifading Agents Used in Fluorescence Microscopy: Image Analysis and Laser Confocal Microscopy Study", The Journal of Histochemistry and Cytochemistry, 1993, pp. 1833-1840, Vol. 41, No. 12, The Histochemical Society, Inc, United States of America |
| | | LYBARGER, Lonnie, et al., "Dual-Color Flow Cytometric Detection of Fluorescent Proteins Using Single-Laser (488-nm) Excitation", Cytometry, 1998, pp. 147-152, Vol. 31, Wiley-Liss, Inc., United States of America |
| | | MORRIS, Hannah R., et al, "Imaging Spectrometers for Fluorescence and Raman Microscopy: Acousto-Optic and Liquid Crystal Tunable Filters", Applied Spectroscopy, November 1994, pp. 857-866, Vol. 48, United States of America |

| | | | |
|---|--|-----------------|--|
| EXAMINER SIGNATURE | | DATE CONSIDERED | |
| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.pto.gov or MPEP 901.4. ³ Enter Office that issued the document, by the two-letter code (WIPO standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached. | | | |

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

| | | |
|---|-------------------------------|----------------------------|
| FORM PTO/SB/08A/B (10-01) Substitute for PTO-1449A/B INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | Attorney Docket Number | 52316/C766 |
| | Application Number | 10/817,297 |
| | Filing Date | April 2, 2004 |
| | Applicant(s) | Gregory H. Bearman, et al. |
| | Group Art Unit | 1654 |
| | Examiner Name | Louise N. Leary |

| OTHER DOCUMENTS | | |
|-------------------|-----------------------|--|
| EXAMINER INITIALS | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article, title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. |
| | | MORRISON, Larry, "CT 108, Spectral Overlap Corrections In Fluorescence in Situ Hybridizations Employing High Fluorophore Densities", Cytometry, 1998, p. 140, Suppl. 9, United States of America |
| | | PEPPERKOK, Rainer, et al., "Simultaneous detection of multiple green fluorescent proteins in live cells by fluorescence lifetime imaging microscopy", Current Biology, 1999, 269-272, Vol. 9, Elsevier Science Ltd. |
| | | POTTER, Steve M., et al., "Neural Transplant Staining with DiI and Vital Imaging by 2-Photon Laser-Scanning Microscopy", Scanning Microscopy Supplement 10, 1996, 189-199, Scanning Microscopy International, United States of America |
| | | RICHARDS, John A., "Remote Sensing Digital Imaging Analysis", pp. 75-88, Springer-Verlag Berlin Heidelberg, Germany |
| | | STEVENS, John K., "Three-Dimensional Confocal Microscopy: Volume Investigation of Biological Specimens", 1994, pp. 8-13, Academic Press |
| | | TSIEN, Roger Y., et al., "Fluorophores for Confocal Microscopy: Photophysics and Photochemistry", Handbook of Biological Confocal Microscopy, 1990, pp. 169-178, Plenum Press, United States of America |
| | | WELLS, Sam, et al., "Fluorescent Labels for Confocal Microscopy", Three-Dimensional Confocal Microscopy: Volume Investigation of Biological Specimens, 1994, pp. 101-129, American Press, Inc. |
| | | |

LDB PAS663118.1-*01/30/06 2:33 PM

| | | | |
|--------------------|--|-----------------|--|
| EXAMINER SIGNATURE | | DATE CONSIDERED | |
|--------------------|--|-----------------|--|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.pto.gov or MPEP 901.4. ³Enter Office that issued the document, by the two-letter code (WIPO standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English Language Translation is attached.

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE